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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,483	03/15/2001	Kurt R. Linberg	P-8945	5644
27581	7590	11/02/2005	EXAMINER	
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MS-LC340 MINNEAPOLIS, MN 55432-5604			NAJARIAN, LENA	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/809,483

Applicant(s)

LINBERG ET AL.

Examiner

Lena Najarian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment filed 9/6/05. Claims 1-21 have been cancelled. In view of the cancellation of these claims, the Examiner's previous rejections are moot. Claims 22-28 are newly added.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkind (US 2003/0158754 A1) in view of Linder et al. (US 6,681,003 B2), and further in view of Segal et al. (US 2001/0041991 A1).

(A) Referring to claim 22, Elkind discloses a data communications server system, comprising (see abstract of Elkind):

an information network (abstract of Elkind);

means for logging into the information network (para. 12 of Elkind);

a communications portal resident on a server and accessed over an information network to present information associated with a patient, comprising (Fig. 3 and Fig. 4 of Elkind):

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means for allowing a user to log-in to the communications portal (para. 12 of Elkind);

means for making a user verification (para. 12 of Elkind);

means for presenting a customized web page (Fig. 7 of Elkind);

means for accessing a patient medical records database over the information network (para. 2 of Elkind); and

means for integrating accessible databases through user selectable links (Fig. 7 of Elkind).

Elkind discloses data relating to medical devices, such as pacemakers or other implants (see para. 44 of Elkind). However, Elkind does not expressly disclose an individual implantable medical device patient and an implantable medical device database.

Linder discloses an individual implantable medical device patient and an implantable medical device database (see col. 9, lines 5-13 and col. 3, lines 5-13 of Linder).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Linder within Elkind. The motivation for doing so would have been to monitor and upgrade the performance of the device (col. 3, lines 5-13 of Linder).

Elkind does not expressly disclose a patient lab records database.

Segal discloses a patient lab records database (para. 112 and Fig. 1 of Segal).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Segal within Elkind and Linder. The motivation for doing so would have been to track results of tests and procedures (para. 112 of Segal).

(B) Referring to claim 23, Elkind discloses a web browser connectable to the communications portal by entering a portal URL (para. 37 and para. 41 of Elkind).

(C) Referring to claim 24, Elkind and Linder do not expressly disclose wherein the communications portal further comprises a physician welcome interface.

Segal discloses wherein the communications portal further comprises a physician welcome interface (Fig. 5a and para. 111 of Segal).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Segal within Elkind and Linder. The motivation for doing so would have been to allow the physician to access the various components (para. 111 of Segal).

(D) Referring to claim 25, Elkind and Segal do not disclose wherein the physician welcome interface comprises a listing of all implantable medical device patients being treated by a physician.

Linder discloses a listing of all implantable medical device patients being treated by a physician (see abstract and col. 8, lines 39-41 of Linder).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Linder within Elkind and Segal. The motivation

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for doing so would have been to allow for the accessing of the patient information in several ways (col. 8, lines 39-41 of Linder).

(E) Referring to claim 26, Elkind discloses wherein the interface comprises an email link, a print link, and a product information link (para. 56, para. 45, para. 46, and para. 13 of Elkind).

(F) Referring to claim 27, Elkind discloses wherein the interface comprises means for accessing a search engine to locate information on servers accessible to the communications portal (para. 35 of Elkind).

(G) Referring to claim 28, Elkind discloses means for accessing back office automation operations comprising patient follow-up scheduling (para. 51 of Elkind).

Elkind and Linder do not disclose automated billing of services.

Segal discloses automated billing of services (para. 121 of Segal).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Segal within Elkind and Linder. The motivation for doing so would have been to conveniently retrieve the information necessary for completing bills (para. 121 of Segal).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 22-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a medical information system (US 6,322,502 B1); a system and method for determining safety alert conditions for implantable medical devices (US 6,327,501 B1); and a method and system for automated data storage and retrieval (US 6,308,171 B1).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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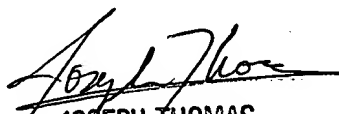
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ln*

In

10-27-05

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600